

REMARKS

In the additional remarks, it is suggested that Hiscock teaches downloading interface software “when the mobile unit accesses the base station.” However, as pointed out in the previous remarks, Hiscock does not download any software, he simply exchanges data. There is a clear and irrefutable difference between exchanging data and downloading software “when the mobile unit accesses the base station.”

The argument that the “Examiner interprets that software that interfaces with the PDA” is not understood. It is not clear what software the office action is referring to. For example, interface software may already be present on both devices. It is not known what software the Examiner is referring to. Hot syncing does not require any software exchange, but may simply involve data exchange, as it does in Hiscock.

The suggestion that transfer of data packets at the top of page 6 might be a form of software is refuted. Data does not constitute software. This is so well established as to be beyond any possible dispute. Software is executable. Data is executed upon. The assertion that software commands are downloaded, citing column 6, lines 6-23, is noted. It is clear in the material cited that no software is exchanged. Messages are sent. See column 6, lines 5-8. This does not constitute a software exchange.

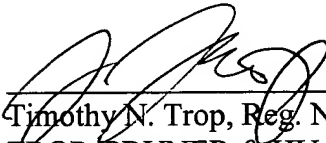
Two computers can communicate data between themselves without ever exchanging their resident software. The discussion of data transfer at column 6, lines 10-13, is irrelevant as described above. Further, the discussion of exchanging messages using an appropriate communication protocol in the remainder of the cited material is also irrelevant.

The assertion of inherency is without support in the reference. It is not inherent that the interface software be downloaded by the PDA from the hot sync cradle. The interface software may already be preloaded thereon. In order to be inherent, the reference must necessarily perform as claimed. Here, there is clearly another alternative, namely, that the software is preloaded. Therefore, pursuant to M.P.E.P. § 2112, reconsideration of the inherency rejection is requested.

In view of these remarks, the application should now be in condition for allowance.

Respectfully submitted,

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